



"The City With a Heart"

Larry Franzella, Mayor
Irene O'Connell, Vice Mayor
Ken Ibarra, Councilmember
Rico E. Medina, Councilmember
Jim Ruane, Councilmember

MINUTES

CITY COUNCIL REGULAR MEETING

June 24, 2008
7:00 p.m.

1. CALL TO ORDER: THIS IS TO CERTIFY THAT The San Bruno City Council met in regular session on June 24, 2008 at the San Bruno Senior Center, 1555 Crystal Springs Road. The meeting was called to order at 7:00 p.m.

Mayor Franzella thanked the San Bruno Garden Club for the beautiful flower arrangement.

2. ROLL CALL/PLEDGE OF ALLEGIANCE: Presiding was Mayor Franzella with Councilmembers Ruane, Ibarra and Medina in attendance. Vice Mayor O'Connell was delayed by ten minutes because of a previous meeting. Recording by Clerk Bonner. **City Attorney Thompson** led the Pledge of Allegiance.

3. ANNOUNCEMENTS:

Mayor Franzella announced San Bruno's Redevelopment Agency will meet following this evening's meeting.

4. PRESENTATIONS:

Mayor Franzella presented a Proclamation Declaring July 2008 Parks and Recreation Month to **Interim Parks & Recreation Director Mines** who thanked everyone and invited them to a free swim at the San Bruno Pool on September 26.

5. REVIEW OF AGENDA: No changes.

6. APPROVAL OF MINUTES: Regular Council Meeting of June 10, 2008, approved as submitted.

7. CONSENT CALENDAR:

- a. **Approve:** Payroll of June 13, 2008.
- b. **Approve:** Accounts Payable of June 2 and 9, 2008.
- c. **Adopt:** Reconciliation of General Ledger to Bank Reports and the Investment Reports Dated May 31, 2008.
- c. **Waive:** Second Reading and Adopt Ordinance Repealing and Adding New San Bruno Municipal Code Chapter 5.16 Regarding Procedures for Regulating and Abating Graffiti.
- e. **Approve:** Cancellation of the Regular City Council Meeting on September 9, 2008.
- f. **Direct:** Staff To Conduct Biennial Review of Conflict of Interest Code For Each Applicable Agency and To Report Back Whether Amendments are Necessary No Later Than October 1, 2008.

Mayor Franzella pulled Item 7.e.

M/S Ibarra/Ruane to approve remainder of Consent Calendar and passed with all ayes.

Mayor Franzella pointed out there would be no meeting on Tuesday, September 9, 2008.

M/S Franzella/Medina to approve Item 7.e. and passed with all ayes.

8. PUBLIC HEARINGS (Notices have been published, posted and mailed):

a. Hold Public Hearing, Adopt Resolution Approving an Amendment to Planned Development Permit 05-02 and Approving a Vesting Tentative Tract Map for the Construction of 510 New Residential units at 4300 Susan Drive.

Adopt Resolution Extending Approved Tentative Tract Map for a Period of Five (5) Years.

Community Development Director Akin highlighted the background history of Tree Tops, now Pacific Bay Vistas and the proposed changes and additional fee assessments.

Councilmember Ruane asked if the fees were locked in. **Akin** concurred they would be locked with approval tonight.

Patty Shwayder, Dan Matula, John Garrison, Tal Jackson of AIMCO presented a slide presentation of the proposed Pacific Bay Vistas.

Cecily Talbert, of Bingham, McCutchen, representing AIMCO, said she was asked to see the possible affects of Ordinance 1284 adopted in 1977 on this project. She said the parking structure is primarily enclosed within the building and is not visible from the street. She believed Ordinance 1284 was adopted to prohibit stand-alone parking structures that are visible from the street and serve commercial or office districts.

Councilmember Ibarra asked who would challenge this? **Cecily Talbert** said when Council makes an approval; the residents need to voice their objections.

Dan Matula referenced Condition #15 and said time limits cannot be met in six months. **Mayor Franzella** said the main concern is to see the project started and the property maintained until it is done.

Councilmember Ibarra said we need to know what to expect over the next six months, year, year-and-a-half. **Councilmember Medina** said the neighbors need to know a timeline.

Councilmember Ruane asked staff what the City's turnaround time would be. **Akin** said the goal is to turn this around as quick as possible so the project can be built.

Dan Matula asked between the conditions of the planned development permit if the amount of time valid aligns with the conditions for demo, from approval, is it good for two years? **Akin** said the code doesn't specify how long the planned development permit is good, so that is not specified within conditions of approval. He said they would want to make it consistent with whatever tentative map is approved.

Councilmember Ibarra questioned two-year limit on a planned development. He said if they do not proceed, do they still have two years to submit for permit? **Akin** said two years to obtain the permit.

Councilmember Ibarra was concerned with the time limit. **City Attorney Thompson** said the vesting tentative map has a two-year life span plus there is an extension being requested. She said a different timeframe could be set.

Discussions took place regarding time limits. **City Manager Jackson** asked for time to discuss this. **Mayor Franzella** called a five-minute break.

City Manager Jackson said the code does not specify a time certain for the expiration of a planned development permit. She said what the code does prescribe is the development will proceed according to an established schedule. The developer has been asked to provide a precise complete understanding of the actions necessary to move from the planned development permit approval to the point where a building permit has been issued. The building permit needs to be pulled prior to the expiration of the planned development permit.

Dan Matula, referencing the timeframe, said the applicant shall commence to demolish the existing buildings within six months after building plan check approval and they will provide quarterly reports to the City on the progress of the project. Upon completion of demolition, applicant will commence construction of the project. In no event shall the applicant commence construction of the project within less than twenty-four months. He estimated after all permit processes, demolition should start in roughly eighteen months.

Councilmember Ibarra affirmed it would be twenty-four months from tomorrow.

Councilmember Medina disclosed he had spoken to both sides.

Mayor Franzella opened the Public Hearing.

William Nack, Foster City spoke on behalf of the Building Trades Council and said they were pleased.

Mayor Franzella asked if there was anyone else wishing to speak

M/S Ruane/Medina to close the Public Hearing and passed with all ayes.

Councilmember Ruane introduced the resolution approving an amendment to the planned development permit with all conditions and passed with a unanimous vote.

Councilmember Ruane introduced the resolution extending the approved tentative tract map and passed with all ayes.

b. Hold Public Hearing and Approve the City Manager's Recommended General Fund, Special Revenue Funds, Enterprise Funds, and Capital Improvement Program Budget for 2008-09:

- Adopt Resolution for General Fund, Special Revenue Funds and Enterprise Funds Budget.
- Adopt Resolution for Capital Improvement Program Budget.

City Manager Jackson gave an introduction and highlighted the handouts distributed to Council.

Finance Director O'Leary gave an overview of the proposed budget.

City Manager Jackson summarized some of the highlights and asked for questions.

Councilmember Medina brought up three items he had discussed during the study sessions. The first was the improvements to City Hall, which is an unfunded item in the future, and he felt this was not a high priority item. He said improvements should be for facilities, which have not had any remodels or modernization thus far. The second item deals with meetings and conferences with Human Resources. He said while the dollar amount is not significant overall, but when it is up a third, the rationale for it is another concern. The third item is in the reclassification for the Executive Assistants in Public Works. He said he did not understand the analysis or justification. He said he was not prepared to support those three items. He thanked staff for their work on this budget.

Mayor Franzella asked if the facilities master plan would be coming before Council before any unfunded facilities projects would be moving forward? **City Manager Jackson** said there are a number of facility projects through the capital improvement program coming forward such as minor improvements to Stations 51 and 52. There is a limited project to improve the corporation yard and the library. The project for safety improvements at City Hall is not funded. The other projects mentioned do have carryover or new appropriations associated with them. **Mayor Franzella's** question dealt specifically with City Hall and would the master plan be before Council before the request to move forward with the City Hall improvements? **City Manager Jackson** said it would be anticipated since the project is unfunded.

Mayor Franzella suggested to staff that it does come back so clear direction could be given.

Mayor Franzella addressing the other two items, he recommended they be pulled from the budget and brought back to Council with justification to address those two items.

Vice Mayor O'Connell asked what further justification was needed to change the secretaries to executive assistants. **Mayor Franzella** said in the study session this was discussed and it needs to be justified.

Councilmember Medina said an analysis regarding the two executive assistants of the workload, what needs to be done; he said there is a process for reclassification. He said he didn't believe it was justified.

Councilmember Ibarra said he had no problem with the changing to executive assistants; however, getting justification was fine. He said getting the public more involved in how this City is run has been a long time coming and seeing enhancements and improvements has made him proud.

Mayor Franzella opened the Public Hearing.

Rich Mozzini, San Bruno, asked the tennis courts at San Bruno Park be refurbished.

Mayor Franzella said the tennis courts are part of the capital improvements in the upcoming year budget and it is funded.

M/S Ruane/Ibarra to close the public hearing.

Councilmember Ibarra introduced the resolution to adopt the General Fund, Special Revenue Funds and Enterprise Funds Budget with the stated changes and passed with a unanimous vote.

Councilmember Ibarra introduced the resolution for the Capital Improvement Program Budget and passed with a unanimous vote.

Vice Mayor O'Connell commended staff for their fine work.

9. CONDUCT OF BUSINESS:

a. Adopt Resolution Approving the City's Appropriations Limit of \$28,916,761 for 2008-09 (Gann Initiative).

Finance Director O'Leary gave an overview of the staff report and explained and asked for questions.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

b. Receive Report and Provide Direction on Project Funding, Rehabilitation Priorities and Street Selection for the Summer 2008 Street Rehabilitation Program.

Finance Director O'Leary said the main funding for street rehabilitation comes from Measure A, also redevelopment agency funds and also Proposition 1B funding.

Engineer Davis reviewed the staff report and said the intent was to be started by August and asked for guidance on how to allocate the funds.

Mayor Franzella asked if there have been any field verifications recently? **Engineer Davis** said the intent is to validate in the field.

Councilmember Ibarra said the explanation from the engineer on street improvements has been enlightening.

c. Receive Report and Provide Direction to Staff on Proposed Ordinance Adding Chapter 6.52 Governing Tobacco Retailer Permits.

City Attorney Thompson gave an overview of the staff report and pointed out the County would be responsible for enforcing this ordinance and asked for direction.

Mayor Franzella said go ahead.

d. Adopt Resolution Approving Amendment to Professional Services Agreement with Dyett and Bhatia in the amount of \$71,140 and Appropriating \$15,000 for Legal Review for Completion of the General Plan Update and Environmental Impact Report (EIR).

Community Development Director Aknin gave an overview of the staff report and asked for approval.

Councilmember Ibarra asked what the ultimate cost would be. **Aknin** said between \$600 and \$700 thousand. He also said they had not anticipated the scope of our response to comments was going to be this large.

Councilmember Ibarra introduced the resolution for adoption and passed with a unanimous vote.

e. Receive Report and Adopt Resolution Approving Graffiti Abatement and Prevention Program.

Community Development Director Aknin highlighted graffiti issues and asked for questions.

Councilmember O'Connell introduced the resolution for adoption.

Councilmember Medina was assigned to work on the committee.

f. Adopt Resolution Approving Amending Resolution No. 2005-25 Establishing Rules and Regulations Pertaining to Temporary Fireworks Stands.

Finance Director O'Leary gave an overview of the staff report and asked for questions.

Mayor Franzella asked an additional clause be added to prohibit the City Clerk from receiving any firework permit applications without the applicant first having obtained the sign-off of the Finance Department that all the charges to that applicant have been paid in full.

Councilmember Ibarra said the committee was concerned that some of the applications were not complete and he reminded the City Clerk not to accept incomplete applications. **Mayor Franzella** said it was important they were complete and if they were after the deadline they cannot be accepted.

Councilmember Ruane said he did not believe fireworks should be sold at this time because of the high fire danger; however, he said the people had voted to have fireworks. He cautioned everyone to be very careful.

Councilmember Ruane introduced the resolution for adoption and passed with a unanimous vote.

g. Adopt Resolution Authorizing the City Manager to Execute a Memorandum of Understanding and All Agreements with the San Mateo County Transit District (SamTrans) to Receive \$282,000 from the Grand Boulevard Initiative Grant to Construct the El Camino Real Phase I Median and Pedestrian Improvement Project.

Engineer Davis gave an overview of the staff report and asked for questions.

Vice Mayor O'Connell asked for the time line? **Engineer Davis** said probably four to six weeks.

Vice Mayor O'Connell introduced the resolution for adoption and passed with a unanimous vote.

10. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, 7th Ave. thanked staff for the work done in area of the 600 block of 7th Ave.

11. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

12. COMMENTS FROM COUNCIL MEMBERS: None.

13. CLOSED SESSION: None.

14. ADJOURNMENT: There being no further business to transact, the meeting concluded at 9:13 p.m. The next City Council Meeting will be held on July 8, 2008 at 7:00 p.m. at the Senior Center, 1555 Crystal Springs Road, San Bruno.

Respectfully submitted for approval
at the regular City Council Meeting of
July 8, 2008

Carol Bonner, City Clerk

Larry Franzella, Mayor